RESPONSE UNDER 37 C.F.R. § 1.111

Application No.: 10/642,652

Attorney Docket No.: Q76997

REMARKS

Claims 4-7 are provisionally rejected on the ground of nonstatutory obviousness-type

double patenting as being unpatentable over claims 1-5, 8, 9 and 12 of copending application

no. 12/045,326 (US 2008/0173329).

Applicants respectfully traverse the rejection.

Application No. 12/045,326 is a divisional of Application No. 11/000,007 (filed December

12, 2004) filed on March 10, 2008. MPEP 804 states: If a "provisional" nonstatutory

obviousness-type double patenting (ODP) rejection is the only rejection remaining in the earlier

filed of the two pending applications, while the later-filed application is rejectable on other

grounds, the examiner should withdraw that rejection and permit the earlier-filed application to

issue as a patent without a terminal disclaimer." The present application is the earlier filed of

the two pending applications and the only rejection is the ODP rejection.

Thus, the Examiner should withdraw the rejection and allow the application to issue.

If any points remain in issue which the Examiner feels may be best resolved through a

personal or telephone interview, the Examiner is kindly requested to contact the undersigned at

the telephone number listed below. The USPTO is directed and authorized to charge all

required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-

4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

SUGHRUE MION, PLLC

Telephone: (202) 293-7060

Facsimile: (202) 293-7860

Registration No. 47,121

Keiko K. Takagi

WASHINGTON DC SUGHRUE/265550

CUSTOMER NUMBER

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